

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JOSE FLORES, JR., #539332 §

VS. § CIVIL ACTION NO. 9:06cv112

DIRECTOR, TDCJ-CID §

O R D E R

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus concerning a prison disciplinary proceeding should be dismissed without prejudice because the Petitioner failed to submit a certified *informa pauperis* data sheet. The Petitioner filed a response, which was docketed as objections (docket entry #8). The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit.

The focus of this Order, however, concerns the malicious and threatening contents of the Petitioner's objections. He included the following statements:

To U.S. Magistrate Judge Judith K. Guthrie: For your R&R dated 6/14/06, your entire family will be burned to death along with the families of each Magistrate & District Judge in the entire Eastern District of Texas unless I'm paid \$75,000.00 worth of 39¢ and 23¢ postage stamps. . . . Also, I'll have the U.S. Courthouses in Lufkin & Tyler & Dallas blown up if you turn this in to the law. If I'm sanctioned by the court, Gov. Perry will be killed.

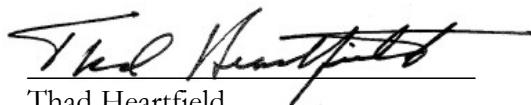
The Petitioner's comments warrant sanctions. It is noted that he has been repeatedly sanctioned for similar comments in the past. In *United States v. Flores*, No. 97-11400 (5th Cir. May 19, 1998), the Fifth Circuit sanctioned him \$50 for profane and threatening comments to the Court. In *United States v. Flores*, No. 3-99-CR-0189-H, he was sentenced to 365 months imprisonment for sending threatening letters to state and federal judges and other judicial personnel. As in the present case, such

letters contained demands for money or property and threatened acts of violence if the demands were not met. The conviction was affirmed. *United States v. Flores*, No. 01-10036, 33 Fed. Appx. 703 (5th Cir. 2002). In *Flores v. Dretke*, No. 4-05-MC-013-Y (N.D. Tex. Mar. 16, 2005), the Petitioner was sanctioned \$500 and barred “from filing any civil action or lawsuit, including any petitions, complaints, motions, pleadings, or documents *of any type*, until he has paid in full the \$500.00 monetary sanctions imposed in this cause.” On June 19, 2006, the Northern District of Texas struck a new lawsuit filed by him pursuant to the sanctions order. *United States v. Flores*, No. 3-06-CV-0986-H (N.D. Tex. June 19, 2006). In General Order 94-6, this Court adopted a policy that it will honor sanctions imposed by another federal court in Texas. The Fifth Circuit subsequently held that a district may enforce sanctions imposed by another district. *Balawajder v. Scott*, 160 F.3d 1066, 1067-68 (5th Cir. 1999). This Court will honor the sanctions imposed by the Northern District of Texas and strike the petition. Moreover, in light of his latest round of threatening and profane comments addressed to this Court, the Court is of the opinion that the sanctions should be extended further. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **STRICKEN**. All motions not previously ruled on are **DENIED**. It is further

ORDERED that Jose R. Flores, Jr., the Petitioner, is barred from filing any civil action or lawsuit, including petitions, complaints, motions, pleadings, or documents of any type, until he has paid in full the \$500.00 monetary sanctions imposed by the Northern District of Texas. Furthermore, after said sanctions are paid, Flores may not file any new lawsuits or documents in this Court unless upon motion a judge of this Court authorizes the filing.

SIGNED this the 27 day of July, 2006.



Thad Heartfield
United States District Judge